

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - Allegation of possessing disproportionate of assets to the known sources of income against Sri T.Shyam Kumar the then Deputy Executive Engineer (now retired), Municipal Corporation of Hyderabad – Further action dropped – Orders – Issued

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I(2) DEPARTMENT

G.O.Ms.No. 434

Dated:18 -06-2008.

Read the following:

1. Govt.Memo No.1432/F/93-1MA, dated 1-2-94.
2. from the Director General, Anti Corruption Bureau, Hyderabad Lr.Rc.No.14/RC-CR094, dated 27.4.1996.
3. Govt.Memo No.1432/F1/93-7MA, dated 3-8-1996.
4. Charge Memo No.2478/Op/OP7/MCH/97, dated 9.9.1997.
5. G.O.Ms.No.518,MA, MA&UD Deptt., dated 25.10.2000.
6. From the Commissioner & Special Officer, Greater Hyderabad Municipal Corporation Lr.No.2478/V&E/GHMC/2003-07/54, dated 24.3.2008.

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ORDER:

A complaint have been received against Sri T.Shyam Kumar formerly Deputy Executive Engineer, MCH on allegation of possessing of disproportionate assets during 1989 and the matter was referred to the Addl. S.P., Vigilance Cell, MCH for enquiry and report. On receipt of report from the Addl. S.P., Vigilance Cell, MCH, the matter was referred to the Director General, Anti Corruption Bureau to conduct a regular enquiry and submit report to Government in the reference 1st read above.

2. In the reference second read above, the Director General, Anti Corruption Bureau has submitted final report. In the final report, the Anti Corruption Bureau has stated that the allegation that the said Accused Officer is in possession of assets disproportionate to his lawful sources of income is not proved, but confirmed various irregularities in violation of Rules 9(1) and (2) and 10(1) of the A.P.C.S. (Conduct) Rules, 1964 against him and he recommended to initiate departmental action. In the reference third read above, the Commissioner, MCH was requested to initiate disciplinary action against Sri T.Shyam Kumar, Deputy Executive Engineer for violation of conduct rules for his misconduct and intimate the result of the disciplinary action.

3. In the reference fourth read above, the Commissioner framed charges against the A.O. and after considering the explanation of the charged Officer, Government felt that his explanation is not convincing. The examiner of Accounts, Municipal Corporation of Hyderabad was appointed as Enquiry Officer who conducted enquiry and submitted his report on 14.7.1998. Government considered that the charged officer committed violation of conduct rules in having allowed by his wife and son to enter in private business, and accordingly charges were framed against the charged Officer asking for his explanation in the reference 5th read above. The A.O. retired from service on attaining the age of superannuation on 31.10.2000.

4. Aggrieved by the said Charge C.O., Sri T.Shyam Kumar retired Deputy Executive Engineer filed O.A. in 6868/2000 before Hon'ble APAT. The Hon'ble APAT in its order dated 26.2.2003 in the said O.A. disposed of the case with the following directions:-

"It can be concluded that the impugned G.O.Ms.No.518, dated 25.10.2000 cannot be sustained legally under any of the rules relied upon by the respondents themselves. The impugned G.O. is liable to be set aside and accordingly set aside. However, the respondents are at liberty to take disciplinary action against the applicant strictly as per A.P. Revised Pension Rules, 1980.

The Municipal Corporation, Hyderabad has filed W.P. No.24997/2003In the Hon'ble High Court of Andhra Pradesh against the said orders of the Hon'ble A.P.A.T. The Hon'ble High Court of A.P. has passed the following interim orders:

"It is submitted that the provisional pension is being released to the first Respondent herein (Sri T.Shyam Kumar). In view of this there shall be interim stay of all further proceedings in C.A.681/2003 in O.A.No.6868/2003 on the file of APAT.

5. In the reference 6th read, the Commissioner and Special Officer, Greater Hyderabad Municipal Corporation, Hyderabad has stated that Sri T.Shyam Kumar submitted representation to drop further action against him on humanitarian grounds keeping in view of his health and age. The

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Commissioner, GHMC has stated that the complaint's allegation of possession of disproportionate assets by A.O. pertain to the 1989 and that too neither the ACB authorities could establish that the A.O. is having assets more than his known source of income nor the charges framed could be held proved in the detailed enquiry conducted by the Examiner of Accounts, GHMC.

5. The Commissioner and Special Officer, GHMC has therefore requested the Government to drop further action against Sri T.Shyam Kumar on humanitarian grounds keeping in view of his age and health since there is no financial loss to the Greater Hyderabad Municipal Corporation.

6. Government after careful examination of the matter hereby drop further action against Sri T.Shyam Kumar, the then Deputy Executive Engineer now retired for allegation of possession of disproportionate assets case.

7. The Commissioner and Special Officer shall file affidavit/miscellaneous petition before the Hon'ble High Court of A.P. in W.P.No.24997/2003 informing the dropping of the case accordingly.

8. The Commissioner and Special Officer, Greater Hyderabad Municipal Corporation, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**C.V.S.K. SARMA,
EX-OFFICIO PRINCIPAL SECRETARY TO GOVERNMENT.**

To

The Commissioner & Special Officer, GHMC, Hyderabad.

The individual through Commissioner & Special Officer, GHMC, Hyderabad.

Copy to:

The Accountant General (A&E) A.P., Hyderabad.

The Director General, Anti Corruption Bureau, Hyderabad.

The Secretary, APVC, Hyderabad.

::FORWARDED::BY ORDER::

SECTION OFFICER.